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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,391	02/18/2004	Michael Teich	09204-US	1907

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EXAMINER


PAPE, JOSEPH

ART UNIT PAPER NUMBER

3612

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/781,391	TEICH, MICHAEL	
	Examiner	Art Unit	
	Joseph D. Pape	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-15 and 21 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 16-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/04 &amp; 9/04</u>   | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 3, line 1, it is thought that –partially—should be added before “formed” for greater accuracy and clarity. On line 7, it is thought that –part of—should be added after “forms” for greater accuracy and clarity.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 1-21 are objected to because of the following informalities:

In claim 1, line 3, it is thought that –a—should be added before “guide”.

In claim 4, line 1, it is thought that “Vehicle seat” should be changed to –The seat—for consistency.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 4-5, 12-15 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 3, the recitation that "one of the first and second plates being connected to the vehicle body" is incorrect in that since the first plate has already been recited, on lines 2-3, as carrying a back rest, then the second plate must be the one that is connected to the vehicle body.

In claim 3, the recitation that the third plate is substantially parallel to the first and second plates is misleading in that these features only have this relationship when the seat is in the lowered position.

In claim 12, line 3, "second region" has no clear antecedent basis and it is thought that changing the phrase to "second leg" would overcome the indefiniteness.

In claim 13, it is unclear how the head "projects from the second plate". It is thought that pin 86 which extends from the head is the feature that "projects from the second plate".

In claim 21, the recitation that the tab is received by the central slot of the first plate is misleading in that these features only have this relationship when the seat is in the storage position.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama.

Maruyama discloses the claimed invention including seat member 14, guide 12, bearing mechanism 44, 46, back rest 16, first plate 12c and second plate 12d.

Reference Figures 1 and 2.

Re claim 4, either of plates 12c or 12d may be considered to “carry” or support the back rest and the plates 12c and 12d are connected to each other by spacers 12a and 12b through which both plates are connected to the floor of the vehicle body.

Re claim 5, the first and second plates are considered to be the equally spaced curved surfaces of 26 that extend in a direction to an upper end at which point they are substantially parallel to the back rest.

Re claim 6, the seat member is mounted on a frame 32 with a third plate 32a or 32 b which is substantially parallel to first plate 12c and second plate 12d. Re

claim 7, the third plate 32b includes a first part and a second part that extend at a slight angle with respect to each other as shown in Figure 1 with the lead line for

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numeral 32b pointing to a forward part of the two parts which is angled with respect to the rear part thereof. Re claim 8, the second part or rear part in Figure 1 of the third plate 32b extends longitudinally of the vehicle as does the seat member.

### ***Allowable Subject Matter***

7. Claims 12-15 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 9-11 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as well as amended to overcome the objection(s) set forth in paragraph 2 above.

### ***Conclusion***

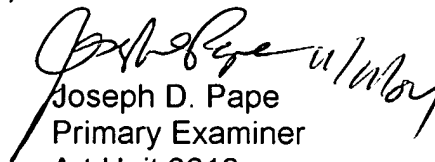
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other fold up seat arrangements generally related to the current invention.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph D. Pape  
Primary Examiner  
Art Unit 3612

Jdp

November 11, 2004